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Government of Kerala
1980

Reg. No. KL/TV(N)/??

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXV] Trivandrum, Friday, 21st November 1980 / 30th Karthika 1902 [No. 943

GOVERNMENT OF KERALA

Law (Legislation-B) Department

NOTIFICATION

No. 17357-Leg. B1/80/Law. *Dated, Trivandrum, 21st November, 1980/ 30th Karthika, 1902.*

The following Ordinance promulgated by the Governor on the 20th day of November, 1980, is hereby published for general information.

By order of the Governor,

K. Viswanathan Nair,
Special Secretary (Law).

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1980.

33/4465/MC.

ORDINANCE No. 9 OF 1980

THE KERALA FISHERMEN WELFARE SOCIETIES ORDINANCE, 1980

Promulgated by the Governor of Kerala in the Thirty-first Year of the Republic of India.

AN

ORDINANCE

to provide for the organisation of fisheries villages and to constitute fishermen welfare societies for such villages with a view to develop the economic, social and cultural life of the fishermen community in the State of Kerala.

Preamble.—Whereas the main avocation and means of livelihood of the fishermen community in the State of Kerala is fishing;

And Whereas the entire economy of more than four hundred villages, which are inhabited mainly by members of the fishermen community, depends upon the income of those members from fishing operations including storage and sale of the catches;

And Whereas the fishermen are, to a large extent, indebted to money lenders who are exploiting the economy of the fishermen community in general;

And Whereas the boats, crafts and nets used for fishing are not owned by the fishermen, but by others who exploit the fishermen by expropriating the major part of their earnings as rent of such implements and other charges in respect thereof;

And Whereas the fishermen are also exploited by money lenders and middlemen by purchasing or otherwise depriving them of their catches without payment of the due price therefor, either by advancing money or by any other method;

And Whereas the fishermen are so deprived of the legitimate fruits of their industry and labour;

And Whereas it is necessary to end exploitation of fishermen by money-lenders and middlemen and to develop the economic, social and cultural life of the fishermen community;

And Whereas the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for her to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Kerala Fishermen Welfare Societies Ordinance, 1980.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) "committee" means the committee of a society;

(b) "Director" means the Director of Fisheries for the State of Kerala and includes any other officer appointed by the Government to exercise the powers and perform the functions of the Director under this Ordinance;

(c) "fish" includes shell-fish, prawns and lobsters;

(d) "Fisheries Officer" means an officer appointed as such for each fisheries village to exercise the powers and perform the functions of the Fisheries Officer under this Ordinance;

(e) "fishermen" means any person engaged mainly in fishing operations for his livelihood;

(f) "fishermen's welfare society" or "society" means a society constituted by the Government under section 4;

(g) "fisheries village" means an area declared by the Government under section 3 to be a fisheries village;

(h) "fishing operations" includes—

(i) fishing by any means, mechanical or otherwise;

(ii) the storage of the marine products caught and collected by fishermen, processing and sale of marine products including sale by individuals by transporting them to different places by headload or cycleload; and

(iii) the manufacture of fishing nets, other than manufacture of such nets in a factory;

(i) "marine products" includes fish and shell-fish grown or cultured and caught from any inland waters.

Explanation.—For the purposes of this clause, "inland waters" includes ponds, tanks and reservoirs;

(j) "member" means a member of a society;

(k) "prescribed" means prescribed by rules made under this Ordinance;

(l) "president" means the president of the committee of a society;

(m) "secretary" means the secretary of the committee of a society;

(n) "State" means the State of Kerala.

3. *Declaration of fisheries villages.*—The Government may, by notification in the Gazette, declare such of the areas as they consider are inhabited mainly by fishermen to be fisheries villages for the purposes of this Ordinance and define the local limits of each such village.

4. *Fishermen's Welfare Societies.*—(1) The Government shall, by notification in the Gazette, constitute a fishermen's welfare society for each fisheries village by such name as may be specified in the notification.

(2) Every society shall be a body corporate by the name under which it is constituted, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, enter into contracts, institute and defend suits and other legal proceedings and to do all things necessary for the purposes for which it is constituted.

5. *Members of Societies.*—(1) Every fisherman who permanently resides in a fisheries village or carries on fishing operations from or within a fisheries village and who—

(a) has attained the age of eighteen years; and

(b) is not of unsound mind,

shall be deemed to be a member of the society constituted for that fisheries village.

(2) The Fisheries Officer shall, subject to such rules as may be made in this behalf, prepare and publish in the prescribed manner a list of fishermen who are deemed to be members of the society as on the first day of September of each year:

Provided that the Government may direct that in respect of any particular year, such list shall be prepared with reference to such other date as may be specified in the notification.

6. *Expulsion of members.*—(1) Any member of a society who has acted adversely to the interests of the society may be expelled upon a resolution of the general body passed at a special meeting convened for the purpose by

the votes of not less than two-thirds of the total number of members present and voting at the meeting.

(2) No member shall be expelled under sub-section (1) without giving him an opportunity to make representations.

7. *Votes of members.*—(1) Every member of a society shall have one vote in the affairs of the society:

Provided that in the case of an equality of votes, the president shall have and exercise a second or casting vote.

(2) Every member of a society shall exercise his vote in person.

8. *Management of societies.*—Subject to the provisions of this Ordinance and the rules made thereunder, the final authority of a society shall vest in the general body of its members:

Provided that nothing contained in this section shall affect the exercise by the committee of the powers conferred on it by this Ordinance or the rules made thereunder.

9. *Constitution of committee.*—(1) For every society, there shall be a committee consisting of the following persons, namely:—

(a) such number of members, being not less than four and not more than eight, as may be determined by the Director, to be elected by the members of the society in the prescribed manner from among themselves;

(b) not more than two members to be nominated by the Government.

(2) The members of the committee shall elect one among themselves to be its president.

(3) An elected member of the committee shall hold office for a period of two years from the date of his election.

(4) A nominated member of the committee shall hold office for such term as the Government may determine.

(5) Any member of a committee may resign his office by giving notice thereof in writing to the Director and on such resignation being accepted, shall be deemed to have vacated his office.

(6) A casual vacancy in the office of a member of a committee may be filled up, as soon as may be, by election or nomination, as the case may be, and a member elected or nominated to fill such vacancy shall hold office for the unexpired portion of the term of office of the member whose place he fills.

(7) The Fisheries Officer shall be the secretary and chief executive officer of the committee.

10. *Disqualifications and removal of members of committee.*—(1) No person shall be elected or nominated as, or continue to be, a member of the committee if he—

(a) is an officer or servant under the committee; or

(b) is an undischarged insolvent; or

(c) is of unsound mind; or

(d) has been convicted by a criminal court for an offence involving moral turpitude, unless such conviction has been set aside; or

(e) is in arrears of any sum due to the society.

(2) The Government may remove from office any elected member of a committee who—

(a) is or has become subject to any of the disqualifications mentioned in sub-section (1); or

(b) has ceased to be a fisherman; or

(c) is absent without leave of the committee for more than three consecutive meetings of the committee:

Provided that no member of a committee shall be removed from office on the ground mentioned in clause (a) or clause (b) without giving him an opportunity of being heard.

11. *Acts of committee not to be invalidated by informality, vacancy etc.*—No act done or proceeding taken under this Ordinance by a committee shall be invalidated merely on the ground—

(a) of any vacancy or defect in the constitution of the committee; or

(b) of any defect or irregularity in the election or nomination of a person acting as a member thereof; or

(c) of any defect or irregularity in such act or proceeding not affecting the merits of the case.

12. *Annual general body meeting.*—(1) A general body meeting of a society shall be held once in a year for the purpose of—

(a) approval of the budget with reference to the duties and functions of the society prepared by the committee for the ensuing year;

(b) election, if any, in the prescribed manner, of the members of the committee other than nominated members;

(c) consideration of the audit report and the annual report;

(d) disposal of the net profit; and

(e) consideration of any other matter which may be brought forward in accordance with the bye-laws.

(2) The Director or any other person deputed by him shall have the right to attend the committee or general body meeting of any society.

13. *Special general body meetings.*—(1) The committee of a society may, at any time, call a special general body meeting of the society and shall call such meeting within one month after receipt of a requisition in writing from the Director or from such number of members or a proportion of the total number of members, as may be prescribed.

(2) If a special general body meeting of a society is not called in accordance with the requisition referred to in sub-section (1), the Director or any person authorised by him in this behalf shall have power to call such meeting and that meeting shall be deemed to be a meeting called by the committee.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Director or any person authorised by him in this behalf may, at any time, call a special general body meeting of the society in such manner and at such time and place within the area of its operation as he may direct and such meeting shall be deemed to be a meeting called by the committee.

(4) Notwithstanding anything contained in the bye-laws of a society the Director or any person authorised by him in this behalf may, at any time, summon a meeting of the committee of the society and that meeting shall be deemed to be a meeting called in accordance with the bye-laws of the society and shall have power to transact all business which can be transacted at a meeting of the committee under the bye-laws of the society and such other business as is specially mentioned in the requisition made by the Director or the person authorised.

(5) The Director or any other person deputed by him shall have the right to attend the committee or general body meeting of any society convened in accordance with the provisions of this section.

14. *Functions of Committee.*—(1) The management of the affairs of a society shall be vested in the committee of that society.

(2) The committee shall exercise such other powers and perform such other functions as may be prescribed.

15. *Functions of Secretary.*—(1) The secretary shall carry into effect the decisions of the committee:

Provided that the secretary shall, in cases where he is satisfied that any decision made by the committee is *ultra vires* the provisions of this Ordinance or any other law for the time being in force or is against the objects of this Ordinance, report the matter to the Director within such time as may be prescribed and carry the decision into effect if it is not suspended or cancelled by the Director.

(2) The secretary shall perform such other functions, including financial functions, as may be prescribed.

16. *Powers of Director to cancel decision of committee.*—If on receipt of a report under the proviso to sub-section (1) of section 15 or otherwise, the Director is satisfied that any decision of a committee is *ultra vires* the provisions of this Ordinance or any other law for the time being in force or is against the objects of this Ordinance, he may, by order in writing, cancel the decision:

Provided that no decision shall be cancelled under this section unless the committee has been given a reasonable opportunity of showing cause against the proposed action:

Provided further that the Director shall have power to stay any action based on the decision of the committee, pending final decision by him.

17. *Duties and functions of societies.*—(1) Subject to such rules as may be made in this behalf and subject to availability of funds, a society may—

(a) take measures to make available fishing implements to its members at reasonable cost;

(b) advance loans to the members for the purchase of fishing implements and effect recovery of such loans in easy instalments;

(c) provide facilities for storage, processing and marketing of marine products;

(d) provide facilities to the members for the repair and maintenance of fishing implements;

(e) evolve and implement schemes for the welfare of the residents of fisheries villages;

(f) provide for the payment of accident relief to members and their families;

(g) provide for the payment of incapacity or disability or old age benefits to members;

(h) provide for such other welfare schemes as would improve the standard of living and ameliorate the social conditions of the members;

(i) provide for matters ancillary or incidental to any of the functions aforesaid; and

(j) perform such other functions as may be prescribed.

18. *Appointment of staff of society.*—(1) A society may appoint such number of officers and other employees as may be necessary for carrying out its functions under this Ordinance.

(2) The conditions of appointment and service and scales of pay of the officers and servants referred to in sub-section (1) shall be such as may be prescribed.

19. *Grants and loans by Government.*—The Government may, after due appropriation made by the Legislative Assembly in this behalf, pay to the societies by way of grants or loans such amounts as they consider necessary.

20. *Power of society to borrow.*—A society may, from time to time, with the previous sanction of the Director and subject to the provisions of this Ordinance and to such conditions as may be prescribed in this behalf, borrow any sum required for the purposes of this Ordinance.

21. *Investment of funds.*—A society may invest or deposit its funds,—

(a) in Government Savings Bank; or

(b) in any of the securities specified in section 20 of the Indian Trusts Acts, 1882 (Central Act 2 of 1882); or

(c) in any bank approved for the purpose by the Director; or

(d) in any other prescribed manner.

22. *Restriction on borrowings.*—A society shall receive deposits and loans only to such extent and under such conditions as may be prescribed or as may be specified in the bye-laws.

23. *Restrictions on loans.*—A society shall not make a loan to any person other than a member:

Provided that, with the general or special sanction of the Director, a society may make loans to another society.

24. *First charge of society on certain assets.*—(1) Notwithstanding anything contained in any law for the time being in force, but subject to any prior claim of the Government in respect of land revenue or any money recoverable as land revenue, any debt or outstanding demand owing to a society by any member or past member or deceased member shall be a first charge—

(a) upon the fishing implements of such member for the purchase of which the loan was taken from the society by such member; and

(b) upon any other property purchased in whole or in part out of any loan given by the society.

(2) No person shall transfer any property which is subject to a charge under sub-section (1) except with the previous permission in writing of the society which holds the charge.

(3) Notwithstanding anything contained in any law for the time being in force, any transfer of property made in contravention of the provisions of sub-section (2) shall be void.

(4) The charge created under sub-section (1) shall be available as against any claim of the Government arising from any loan granted by them after the grant of the loan by the society.

25. *Constitution of Fund.*—(1) There shall be formed a Fund for each society to be called the Fisheries Village Society's Fund of the fisheries village for which the society is constituted and there shall be credited thereto—

(a) any grants or loans that may be made by the Government under section 19;

(b) any grants or loans that may be made by any person or institution for the purposes of this Ordinance; and

(c) all sums realised by the societies in carrying out the measures referred to in section 17.

(2) The Fund shall be administered by the committee subject to such rules as may be made in this behalf and shall be applied—

(a) for meeting the salaries, allowances and other remunerations of the officers and other employees of the society;

(b) for meeting the other administrative expenses of the society;

(c) for meeting the cost of the measures referred to in section 17; and

(d) for repayment of any loans from the Government or from any person or institution.

26. *Enquiry by Director.*—(1) The Director may, of his own motion or on the application of a society, by himself or by a person authorised by him by order in writing, hold an inquiry into the constitution, working and financial condition of a society.

(2) An inquiry of the nature referred to in sub-section (1) shall be held on the application of—

(a) a majority of the members of the committee; or

(b) not less than one-third of the total number of members of the society or the number of members required for the quorum of the general body, whichever is less.

(3) The Director or the person authorised by him under sub-section (1) shall, for the purpose of an inquiry under this section, have the following powers, namely:—

(a) he shall, at all reasonable times, have free access to the books, accounts, documents, securities, cash and other properties belonging to, or in the custody of, the society and may summon any person in possession of, or responsible for the custody of, any such books, accounts, documents, securities, cash or other properties, to produce the same at any place at the headquarters of the society or any branch thereof;

(b) he may summon any person who, he has reason to believe, has knowledge of any of the affairs of the society to appear before him at any place at the headquarters of the society or any branch thereof and may examine such person on oath; and

(c) (i) he may, notwithstanding any rule or bye-law specifying the period of notice for a general body meeting of the society, himself call a general body meeting or require the president or secretary to call a general body meeting at such time and place at the headquarters of the society or any branch thereof to determine such matters as may be directed by him;

(ii) any meeting called under sub-clause (i) shall have all the powers of a general body meeting called under the bye-laws of the society.

(4) When an inquiry is made under this section, the Director may communicate the result of the inquiry to the Government with his recommendations.

(5) When an inquiry made under this section reveals only minor defects which, in the opinion of the Director, can be remedied by the society, he may communicate the result of the inquiry to the society and may also direct the society or its officers to take such action within the time specified therein to remedy the defects disclosed in such inquiry.

27. *Supervision and inspection.*—(1) The Director shall supervise or cause to be supervised by a person authorised by him by general or special order in writing in this behalf, the working of every society as frequently as he may consider necessary.

(2) The supervision under sub-section (1) may include an inspection of the books of the society.

(3) The Director or any person authorised by the Director under sub-section (1) or sub-section (2) shall at all reasonable times have free access to the books, records and accounts of the society and may summon any

person in possession of or responsible for the custody of any such books, records and accounts, to produce the same for inspection at any place at the head-quarters of the society or any branch thereof.

(4) It shall be the duty of every officer and employee of the society to assist in such supervision or inspection and to furnish any information that may be required for the purpose.

(5) The Director or the person authorised by him under sub-section (1) or sub-section (2) may, by order in writing, direct the society or its officers to take such action as may be specified in such order within the time that may be mentioned in such order.

28. *Powers of revision of Director and Government.*—(1) The Director may of his own motion or on application call for and examine the record of any officer subordinate to him, and the Government may of their own motion or on application call for and examine the record of the Director, or any officer subordinate to him, in respect of any proceeding under this Ordinance or any rule made thereunder to satisfy himself or themselves as to the regularity of such proceedings or the correctness, legality or propriety of any decision passed or order made therein and if in any case it appears to the Director or the Government that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, he or they may pass orders accordingly:

Provided that every application to the Director or the Government for the exercise of the powers under this section shall be preferred within three months from the date on which the proceeding, decision or order to which the application relates was communicated to the applicant.

(2) No order prejudicial to any person shall be passed under sub-section (1) unless such person has been given an opportunity of making his representation.

(3) The Director or the Government, as the case may be, may suspend the execution of the decision or order pending the exercise of his or their power under sub-section (1) in respect thereof.

(4) The Director or the Government may award costs in proceedings under this section to be paid either out of the funds of the society or by such party to the application for revision as the Director or the Government may deem fit.

29. *Mode of recovery of sums payable to society.*—Any sum due to a society under this Ordinance or any rules made thereunder shall, without prejudice to any other mode of recovery, be recoverable on behalf of the society as an arrear of public revenue due on land.

30. *Accounts and audit.*—(1) Every society shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed in consultation with the Examiner of Local Fund Accounts.

(2) The Accounts of each society shall be audited by the Examiner of Local Fund Accounts at such intervals as may be specified by him.

(3) The Examiner of Local Fund Accounts and any person appointed by him in connection with the audit of the accounts of the societies shall have such rights and privileges as may be prescribed.

(4) No contribution shall be recovered by the Government from the societies towards the pay and allowances of any person appointed in connection with the audit of the accounts of the societies or towards any other expenditure involved in such audit.

(5) The accounts of each society as certified by the Examiner of Local Fund Accounts together with the audit report thereon shall be forwarded annually to the Government.

31. *Directions by Government.*—(1) The Government may, from time to time, give to a society general instructions, not inconsistent with the provisions of this Ordinance, to be followed by the society.

(2) In the performance of its functions under this Ordinance, a society shall not depart from any general instructions given under sub-section (1), except with the previous permission of the Government.

32. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceedings shall lie against the Government or the Director or any member of the committee or any officer or employee of the Government or a society for anything which is in good faith done or intended to be done under this Ordinance or the rules or bye-laws made thereunder.

33. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules to carry out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the matters in respect of which a society may make bye-laws;

(b) the procedure to be followed for the making of bye-laws and cancellation or amendment of any bye-laws and the publication and the date on which they shall come into effect;

(c) the election of members of the committee by the general body of a society;

(d) the requisitioning of a general meeting of a society;

(e) the qualifications or disqualifications for membership of the committee of a society;

(f) the qualifications of employees of societies;

(g) the prohibition against members of the committee of a society being interested in contracts with the society;

(h) the mode of investment of funds of a society;

(i) the restrictions on transactions of a society with non-members;

(j) the procedure for the recovery of amounts due or payable to a society;

(k) the account books and registers to be kept by a society and power of the Director to call for any returns or direct the accounts and books to be written up;

(l) the manner of certification of entries in the books of a society and copies of documents kept by it in the course of its business;

(m) the statements and returns to be furnished by a society to the Director;

(n) any other matter which has to be or may be prescribed under this Ordinance.

(3) Every rule made under this section shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

34. *Power to make bye-laws.*—(1) A society may with the approval of the Director, make bye-laws not inconsistent with the provisions of this Ordinance or the rules made thereunder, for carrying out any of the purposes for which it is constituted.

(2) The Director may cancel or amend any bye-law made by a society:

Provided that the society shall be given an opportunity to express its views before any bye-law is cancelled or amended.

JOTHI VENCATACHELLUM,

GOVERNOR.

Reg. No. KL/TV(N)/12

KERALA GAZETTE
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GOVERNMENT OF KERALA

Law (Legislation C) Department

NOTIFICATION

No. 17707-Leg. C3/80/Law. *Dated, Trivandrum, 21st November, 1980/ 30th Karthika, 1902.*

The following Ordinance promulgated by the Governor on the 20th day of November, 1980, is hereby published for general information.

By order of the Governor,

K. Viswanathan Nair,
Special Secretary (Law).

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM 1980.

33/4452/MC.

ORDINANCE NO. 10 OF 1980

THE KERALA RELIEF UNDERTAKINGS (SPECIAL PROVISIONS) AMENDMENT ORDINANCE, 1980

Promulgated by the Governor of Kerala in the Thirty-first Year of the Republic of India.

AN

ORDINANCE

to amend the Kerala Relief Undertakings (Special Provisions) Act, 1961.

Preamble.—WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for her to take immediate action;

AND WHEREAS instructions from the President have been obtained in pursuance of the proviso to clause (1) of article 213 of the Constitution of India;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Relief Undertakings (Special Provisions) Amendment Ordinance, 1980.

(2) It shall come into force at once.

2. *Act* 6 *of* 1962 *to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Relief Undertakings (Special Provisions) Act, 1961 (6 of 1962) (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 and 4.

3. *Amendment of section* 3.—In section 3 of the principal Act, in sub-section (2), for the words "five years", the words "ten years" shall be substituted.

4. *Amendment of section* 4.—In section 4 of the principal Act,—

(a) after clause (a), the following clause shall be inserted, namely:—

"(aa) during the period in which the relief undertaking continues as such under sub-section (2) of section 3, any liability of the undertaking to pay tax under the Kerala General Sales Tax Act, 1963 (15 of 1963), incurred

before the undertaking was declared a relief undertaking and any remedy for enforcing the payment thereof shall be suspended and all proceedings relating to the levy, assessment, collection and recovery of such tax pending before any court, tribunal, officer or authority shall be stayed;";

(b) in clause (c), for the word, brackets and letter "clause (b)", in both the places where they occur, the words, brackets and letters "clause (aa) or clause (b)" shall be substituted.

JOTHI VENCATACHELLUM,

GOVERNOR.

Government of Kerala
1980

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EXTRAORDINARY
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GOVERNMENT OF KERALA

Abstract

KANAM TENANCY ABOLITION ACT 1976—IMPLEMENTATION OF—SETTLEMENT OF UNSETTLED CASES—ORDERED

REVENUE (R) DEPARTMENT

G.O. (P) No. 1377/80/RD. Dated, Trivandrum, 21st November, 1980.

Read: Letter No. LB(C) 1-73478/77 dated 3-2-1978 from the Secretary, Land Board, Trivandrum.

ORDER

Whereas the Kanam Tenancy Act 1955 (XXIV of 1955), has been repealed by the Kanam Tenancy Abolition Act, 1976 (16 of 1976) (hereinafter referred to as the said Act);

And whereas the Jenmikaram payable in respect of about 5000 holdings of which the Cochin Devaswom Board was the jenmi could not be settled before the repeal of the Kanam Tenancy Act, 1955, due to the pendency of an appeal preferred by the Cochin Devaswom Board in the Supreme Court challenging the decision of the High Court holding that the Board is not entitled to demand michavaram under the proclamation of 1910 issued by the erstwhile Cochin Government as the provisions in that proclamation were superseded by Act 24 of 1955;

33/4469/MC.

And whereas the Supreme Court has in its decision in Civil Appeal Nos. 11 to 18 of 1964 held that the Kanam Tenancy Act, 1955, was applicable to the lands of which the Cochin Devaswom Board was the Jenmi;

And whereas the jenmikaram payable in respect of certain other holdings also could not be settled before the repeal of the Kanam Tenancy Act, 1955, as neither the jenmi nor the kanam tenant nor any other person had supplied information in respect of those holdings to the Jenmikaram Settlement Officer;

And whereas there is no provision in the said Act for the settlement of jenmikaram which has not been settled before the repeal of the Kanam Tenancy Act, 1955;

And whereas the amount payable to the jenmi under the said Act is to be fixed on the basis of the amount of jenmikaram payable to him;

And whereas the provisions of the said Act cannot be implemented without settling the jenmikaram payable under the Kanam Tenancy Act, 1955;

And whereas difficulty has thus arisen in giving effect to the provisions of the said Act;

Now, therefore, in exercise of the powers conferred by section 28 of the said Act, the Government of Kerala hereby order that the Settlement Officers appointed under section 23 of the said Act shall settle the jenmikaram payable to the jenmies under the provisions of the Kanam Tenancy Act, 1955 and the rules made thereunder in respect of the holdings situate within their respective jurisdiction, for which jenmikaram had not been settled before the commencement of the said Act.

By order of the Governor,

V. Krishnamoorthy,
Secretary to Government.

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Government of Kerala
1980

Reg. No. [illegible]

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXV] Trivandrum, Friday, 21st November 1980 / 30th Karthika 1902 (Saka) [No. 942

NOTIFICATIONS

(1)

No. A. 1839/80. *31st October 1980.*

Whereas the Government of Kerala have in Notification No. 9180/IW3/73/W&P dated 15-6-1973 appointed the Special Tahsildar, L. A. No. IV, Ky. I.P. Payyoli to perform the functions of a Collector under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962) ;

And, whereas it appears to the said Collector that the lands specified in the schedule below is needed or is likely to be needed for a public purpose, to wit for Kannukkara Distributory Block II (Addl.) notice to that effect is hereby given to all whom it may concern in accordance with the provisions of section 3 (1) of the said Act.

കേരള ഗവൺമെന്റ് 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21-ാം ആക്റ്റ്) പ്രകാരം കളക്ടരുടെ പ്രവൃത്തികൾ നിർവ്വഹിക്കുവാൻ കുററ്യാടി ഇറിഗേഷൻ ലാൻറ് അക്വിസിഷൻ സ്പെഷ്യൽ തഹസിൽദാർ, പയ്യോളി എന്ന ആളെ 15-6-1973-ാം തീയതിയിലെ 9180/IW3/73/W & P നമ്പർ പരസ്യപ്രകാരം നിയമിച്ചിരിക്കുന്നതിനാലും ;

താഴെ പട്ടികയിൽ വിവരിക്കുന്ന ഭൂമി ഒരു പൊതുക്കാര്യത്തിന് അതായത് കണ്ണൂക്കര ഡിസ്ട്രിബ്യൂട്ടറി ബ്ലോക്ക് 2 അഡീഷണൽ ആവശ്യമുണ്ടെന്നോ, ആവശ്യമുണ്ടാകാനിടയുണ്ടെന്നോ പ്രസ്തുത കളക്ടർക്ക് തോന്നുന്നതിനാലും അതിനുള്ള നോട്ടീസ് അതുസംബന്ധിക്കുന്ന എല്ലാവർക്കും മേപ്പടി ആക്റ്റ് 3 (1) എന്ന വകുപ്പിലെ വ്യവസ്ഥകളനുസരിച്ച് ഇതിനാൽ നൽകിയിരിക്കുന്നു.

Schedule

District—Kozhikode | *Taluk*—Badagara

Village—Onchiam | *Desom*—Kannukkara

(The extent given is approximate)

Re-Survey No.—75/4 | *Description*—Garden | *Extent*—0.0140 hectare

(2)

No. A. 1844/80. *3rd November 1980.*

Whereas the Government of Kerala have in notification No. 9180/IW3/73/W&P dated 15-6-1973 appointed the Special Tahsildar, L. A. No. IV, Ky. I. P., Payyoli to perform the functions of a Collector under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962);

And, whereas it appears to the said Collector that the lands specified in the schedule below are needed or are likely to be needed for a public purpose, to wit for Kannukkara Distributory Block III (Addl.) notice to that effect is hereby given to all whom it may concern in accordance with the provisions of section 3 (1) of the said Act.

കേരള ഗവൺമെന്റ് 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21-ാം ആക്റ്റ്) പ്രകാരം കളക്ടരുടെ പ്രവൃത്തികൾ നിർവ്വഹിക്കുവാൻ കുറ്റ്യാടി ഇറിഗേഷൻ ലാന്റ് അക്വിസിഷൻ സ്പെഷ്യൽ തഹസിൽദാർ, പയ്യോളി എന്ന ആളെ 15-6-1973-ാം തീയതിയിലെ 9130/IW3/73/W&P നമ്പർ പരസ്യപ്രകാരം നിയമിച്ചിരിക്കുന്നതിനാലും;

താഴെ പട്ടികയിൽ വിവരിക്കുന്ന ഭൂമി ഒരു പൊതുകാര്യത്തിന്, അതായത് കണ്ണൂക്കര ഡിസ്ട്രിബ്യൂട്ടറി ബ്ലോക്ക് 3 അഡീഷണൽ ആവശ്യമുണ്ടെന്നോ, ആവശ്യമുണ്ടാകാനിടയുണ്ടെന്നോ പ്രസ്തുത കളക്ടർക്ക് തോന്നുന്നതിനാലും അതിനുള്ള നോട്ടീസ് അതു സംബന്ധിക്കുന്ന എല്ലാവർക്കും മേപ്പടി ആക്റ്റ് 3(1) എന്ന വകുപ്പിലെ വ്യവസ്ഥകളനുസരിച്ച് ഇതിനാൽ നൽകിയിരിക്കുന്നു.

Schedule

District—Kozhikode | *Taluk*—Badagara

Village—Onchiam | *Desom*—Uralungal

(The extent given is approximate)

Sl. No.	*Survey No.*	*Description*	*Extent in hectare*
1	74/1	D.C. Wet	0.0164
2	74/2	,,	0.0021
3	74/3	O.D.	0 0031
4	74/4	D.C. Wet	0.0119
5	74/5	,,	0.0024

(3)

No. A. 1881/80. *12th November 1980.*

Whereas the Government of Kerala have in notification No. 9180/IW3/73/W&P dated 15-6-1973 appointed the Special Tahsildar, L. A. No. IV, Ky. I. P., Payyoli to perform the functions of a Collector under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962);

And, whereas it appears to the said Collector that the land specified in the schedule below is needed or is likely to be needed for a public purpose, to wit for Kannukkara Distributory Block IV Additional notice to that effect is hereby given to all whom it may concern in accordance with the provisions of section 3 (1) of the said Act.

കേരള ഗവൺമെന്റ് 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21-ാം ആക്റ്റ്) പ്രകാരം കലക്ടരുടെ പ്രവൃത്തികരം നിർവ്വഹിക്കുവാൻ കുറ്റ്യാടി ഇറിഗേഷൻ ലാന്റ് അക്വിസിഷൻ സ്പെഷ്യൽ തഹസിൽദാർ, പയ്യോളി എന്ന ആളെ 15-6-1973-ാം തിയതിയിലെ 9180/IW3/73/W&P നമ്പർ പരസ്യപ്രകാരം നിയമിച്ചിരിക്കുന്നതിനാലും;

താഴെ പട്ടികയിൽ വിവരിക്കുന്ന ഭൂമി ഒരു പൊതുകാര്യത്തിന് അതായത് കണ്ണൂക്കര ഡിസ്ട്രിബ്യൂട്ടറി ബ്ലോക്ക് 4 അഡിഷണൽ ആവശ്യമുണ്ടെന്നോ, ആവശ്യമുണ്ടാകാനിടയുണ്ടെന്നോ പ്രസ്തുത കലക്ടർക്ക് തോന്നുന്നതിനാലും, അതിനുള്ള നോട്ടീസ് അതുസംബന്ധിക്കുന്ന എല്ലാവർക്കും മേല്പടി ആക്റ്റ് 3 (1) എന്ന വകുപ്പിലെ വ്യവസ്ഥകളനുസരിച്ച് ഇതിനാൽ നൽകിയിരിക്കുന്നു.

SCHEDULE

District—Kozhikode *Taluk*—Badagara

Village—Onchiam *Desom*—Urahmgal

(The extent given is approximate)

Re-Survey No.—70/8 part *Description*—D. C. Wet *Extent*—0.0065 hectare

(4)

No. A. 1882/80. *13th November 1980.*

Whereas the Government of Kerala have in notification No. 9180/IW3/73 W & P dated 15-6-1973 appointed the Special Tahsildar, L.A. IV, Ky. I. P., Payyoli to perform the functions of a Collector under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962);

And, whereas it appears to the said Collector that the lands specified in the schedule below are needed or are likely to be needed for a public purpose, to wit for Distributory taking off from Ch. 30900 M. (right side) of R.B.C. Block I Addl. notice to that effect is hereby given to all whom it may concern in accordance with the provisions of section 3 (1) of the said Act.

കേരള ഗവൺമെൻറ് 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ററ് (1962-ലെ 21-ാം ആക്ററ്) പ്രകാരം കളക്ടരുടെ പ്രവൃത്തികൾ നിർവ്വഹിക്കുവാൻ കുററ്യാടി ഇറിഗേഷൻ ലാൻഡ് അക്വിസിഷൻ സ്പെഷ്യൽ തഹശീൽദാർ പയ്യോളി എന്ന ആളെ 15-6-1973-ാം തീയതിയിലെ 9180/IW3/73 W & P നമ്പർ പരസ്യപ്രകാരം നിയമിച്ചിരിക്കുന്നതിനാലും ;

താഴെ പട്ടികയിൽ വിവരിക്കുന്ന ഭൂമി ഒരു പൊതുക്കാര്യത്തിന്, അതായത് ആർ. ബി. സി. യുടെ 30900-ാമത്തെ മീററിൽ നിന്ന് വലതുവശത്തേക്കുള്ള ഡിസ്ട്രിബ്യൂട്ടറി ബ്ലോക്ക് 1 അധീഷണൽ ആവശ്യമുണ്ടെന്നോ, ആവശ്യമുണ്ടാകാനിടയുണ്ടെന്നോ പ്രസ്തുത കളക്ടർക്ക് തോന്നുന്നതിനാലും അതിനുള്ള നോട്ടീസ് അതു സംബന്ധിക്കുന്ന എല്ലാവർക്കും ടി ആക്ററ് 3 (1) എന്ന വകുപ്പിലെ വ്യവസ്ഥകളനുസരിച്ച് ഇതിനാൽ നൽകിയിരിക്കുന്നു.

SCHEDULE

District—Kozhikode

Taluk—Badagara *Village*—Ayancheri

Desom—Parambil

(The extent given is approximate)

Serial No.	*Re-Survey No.*	*Description*	*Extent in hectare*
1.	113/12	Garden	0.0057
2.	108/9	U.A.	0.0068

(5)

No. A. 1385/80. *13th November 1980.*

Whereas the Government of Kerala have in notification No. 9180/IW3/73/W & P dated 15-6-1973 appointed the Special Tahsildar, L.A., IV, Ky. I. P., Payyoli to perform the functions of a Collector under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962);

And, whereas it appears to the said Collector that the land specified in the schedule below is needed or is likely to be needed for a public purpose, to wit for Cherandathur Sub Distributory Block 8 Addl. notice to that effect is hereby given to all whom it may concern in accordance with the provisions of section 3 (1) of the said Act.

കേരള ഗവൺമെൻറ് 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ററ് (1962-ലെ 21-ാം ആക്ററ്) പ്രകാരം കളക്ടരുടെ പ്രവൃത്തികൾ നിർവ്വഹിക്കുവാൻ കുററ്യാടി ഇറിഗേഷൻ ലാൻറ് അക്വിസിഷൻ സ്പെഷ്യൽ തഹശീൽദാർ പയ്യോളി എന്ന ആളെ 15-6-73-ാം തീയതിയിലെ 9180/IW3/73 W & P നമ്പർ പരസ്യപ്രകാരം നിയമിച്ചിരിക്കുന്നതിനാലും ;

താഴെ പട്ടികയിൽ വിവരിക്കുന്ന ഭൂമി ഒരു പൊതുകാര്യത്തിന് അതായത് ചെരണ്ടത്തൂർ സബ് ഡിസ്ട്രിബ്യൂട്ടറി ബ്ലോക്ക് 8 അഡീഷണൽ ആവശ്യമുണ്ടെന്നോ, ആവശ്യമുണ്ടാകാനിടയുണ്ടെന്നോ പ്രസ്തുത കളക്ടർക്ക് തോന്നുന്നതിനാലും അതിനുള്ള നോട്ടീസ് അതു സംബന്ധിക്കുന്ന എല്ലാവർക്കും ടി ആക്റ്റ് 3 (1) എന്ന വകുപ്പിലെ വ്യവസ്ഥകളനുസരിച്ച് ഇതിനാൽ നൽകിയിരിക്കുന്നു.

SCHEDULE

District—Kozhikode

Taluk—Badagara | *Village*—Maniyur

Desom—Cherandathur

(The extent given is approximate)

Re-Survey No.	*Description*	*Extent in hectare*
45/1	Garden	0.0160

C. K. CHANDU,
Special Tahsildar, L.A. IV,
Ky. I.P., Payyoli.

CANCELLATION NOTIFICATIONS

(1)

Ref A. 1885/80. *13th November 1980.*

The notification under section 3 (1) of the Kerala Land Acquisition Act 1961 (Act 21 of 1962) published as per Notification No.A. 1809/79 dated 21-11-1979 in the Kerala Gazette dated 8-1-1980, at pages 118-119 in Part III in respect of the land specified below to wit for the formation of Cherandathur Sub Distributory Block VIII in Cherandathur desom Maniyur Village is hereby cancelled.

8-1-1980-ലെ കേരളാഗസററിൽ 3-ാം ഭാഗത്ത് 118-119 പേജിൽ 21-11-79-ലെ Ref. A. 1809/79-ാം നമ്പർ ആയി 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21-ാം ആക്ട്) 3-ാം വകുപ്പ് 1-ാം ഉപവകുപ്പു പ്രകാരം മണിയൂർ വില്ലേജിൽ ചെരണ്ടത്തൂർ ദേശത്ത് ചെരണ്ടത്തൂർ സബ് ഡിസ്ട്രിബ്യൂട്ടറി 8-ാം ബ്ലോക്കിന് വേണ്ടി പട്ടികയിൽ വിവരിച്ചിരിക്കുന്ന ഭൂമിയെ സംബന്ധിച്ചു പ്രസിദ്ധപ്പെടുത്തിയ പരസ്യം ഇതിനാൽ റദ്ദാക്കിയിരിക്കുന്നു.

SCHEDULE

District—Kozhikode

Taluk—Badagara | *Village*—Maniyur

Desom—Cherandathur

Re-Sy. No.	*Description*	*Extent in hectare*
29/4 Part	S.C. Wet	0.0100

33/4445/J.

(2)

Ref. A-1416/80. *12th November 1980.*

The Notification under section 3 (1) of the Kerala Land Acquisition Act 1961 (Act 21 of 1962) issued by the Special Tahsildar, L.A. No. IV, Ky.I.P. Payyoli and published as per Ref. A. 1416/80 in the Extraordinary Gazette No. 589 dated 19-8-1980 in respect of the land comprised in the following Survey Numbers is hereby cancelled.

19-8-1980 ലെ അസാധാരണ ഗസററ് നമ്പർ 589-ൽ റഫ്. എ-1416/80 നമ്പരായി 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ട് (1962-ലെ 21-ാം ആക്ട്) 3 (1) വകുപ്പനുസരിച്ച് പയ്യോളി ലാൻറ് അക്വിസിഷൻ സ്പെഷ്യൽ തഹസിൽദാർ നമ്പർ 4 താഴെ പട്ടികയിൽ വിവരിക്കുന്ന ഭൂമിയെ സംബന്ധിച്ച് പ്രസിദ്ധപ്പെടുത്തിയ വിജ്ഞാപനം ഇതിനാൽ റദ്ദാക്കിയിരിക്കുന്നു.

SCHEDULE

Village—Thurayur.
Re-survey No.—2/6 B part.
Extent—0.0040 Hectare.

(3)

A-1883/80. *13th November 1980.*

The Notification under section 3 (1) of the Kerala Land Acquisition Act 1961 (Act 21 of 1962) published as per Notification No. A. 269/80 dated 23-7-1980 in the Kerala Gazette Extraordinary No. 589 dated 19-8-1980 in respect of the land specified below to wit for the formation of Kannukkara Distributory Block IV in Uralungal desom Onchiam Village is hereby cancelled.

19-8-1980 ലെ അസാധാരണ ഗസററ് 589-ാം 23-7-1980-ലെ റഫ്. എ. 269/80-ാം നമ്പർ ആയി 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ട് (1962-ലെ 21-ാം ആക്ട്) 3-ാം വകുപ്പ് 1 ാം ഉപവകുപ്പ് പ്രകാരം ഓഞ്ചിയം വില്ലേജിൽ ഊരാളുങ്കൽ ദേശത്ത് കണ്ണൂക്കര ഡിസ്ട്രിബ്യൂട്ടറി 4-ാം ബ്ലോക്കിനുവേണ്ടി പട്ടികയിൽ വിവരിച്ചിരിക്കുന്ന ഭൂമിയെ സംബന്ധിച്ച് പ്രസിദ്ധപ്പെടുത്തിയ പരസ്യം ഇതിനാൽ റദ്ദാക്കിയിരിക്കുന്നു.

SCHEDULE

District—Kozhikode.

Taluk—Badagara. *Village*—Onchiam.

Desom—Uralungal.

Sl. No.—4
Re-Sy. No.—72/7
Description—D.C. Wet
Extent—0.0020 Hectare

C.K. CHANDU,
Special Tahsildar, L. A. IV,
Ky.I.P.

Payyoli.

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